

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/28/2021

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DAMIQUE FENNELL,	:	
	:	
Petitioner,	:	1:20-cv-3764-GHW
	:	
-against -	:	<u>ORDER</u>
	:	
TIMOTHY MCCARTHY, Superintendent,	:	
	:	
Respondent	:	
	:	
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GREGORY H. WOODS, United States District Judge:


By letter dated March 29, 2021, Petitioner Damique Fennell requested dismissal of his petition for a writ of habeas corpus, brought under 28 U.S.C. § 2254, pursuant to Fed. R. Civ. P. 41(a). Dkt. No. 41. On April 13, 2021, Magistrate Judge Fox issued a Report and Recommendation recommending that this Court dismiss Mr. Fennell's petition without prejudice, pursuant to Rule 41(a)(2). Dkt. No. 42. Objections to the Report and Recommendation were due on April 27, 2021. To date, the Court has received no objections.

The Court has reviewed the Report and Recommendation for clear error and finds none. *See Braunstein v. Barber*, No. 06 Civ. 5978 (CS) (GAY), 2009 WL 1542707, at *1 (S.D.N.Y. June 2, 2009) (explaining that a "district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record"). Accordingly, the Court accepts and adopts the Report and Recommendation in its entirety and Petitioner's § 2254 application is dismissed without prejudice.

The Clerk of Court is directed to terminate all pending motions, adjourn all deadlines, and to close this case.

SO ORDERED.

Dated: April 28, 2021
New York, New York



GREGORY H. WOODS
United States District Judge